

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Austin W. Mutchler

Serial No. : Art Unit:

Filed : Examiner:

For : Intramedullary Nail and Associated Method

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, Washington, D.C. 20231 on

January 20, 2004

(Date of Deposit)

Jennifer Emrick

(Name of applicant, assignee, or Registered Representative)

*Jennifer Emrick*

(Signature)

January 20, 2004

(Date of Signature)

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/DEP5031/JSW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/DEP5031/JSW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

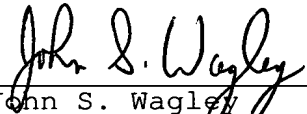
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5031/JSW. This form is submitted in triplicate.

Respectfully submitted,

  
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Reg. No. 36,043  
Attorney for Applicants

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DATED: January 20, 2004

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

*Application Number**Filing Date**First Named Inventor*

Austin W. Mutchler

*Group Art Unit**Examiner Name**Attorney Docket Number*

DEP-5031

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,622,959		Marcus	11/18/1986	
		4,678,472		Noiles	7/7/1987	
		4,790,302		Colwill et al.	12/13/1988	
		4,875,475		Comte et al.	10/24/1989	
		5,066,296		Chapman et al.	11/19/1991	
		5,122,141		Simpson et al.	6/16/1992	
		5,312,406		Brumfield	5/17/1994	
		5,480,402		Kim	1/2/1996	
		5,658,287		Hofmann et al.	8/19/1997	
		5,658,288		Kim	8/19/1997	
		5,743,908		Kim	4/28/1998	
		5,776,194		Mikol et al.	7/7/1998	
		5,779,704		Kim	7/14/1998	
		5,961,555		Huebner	10/5/1999	
		6,010,506		Gosney et al.	1/4/2000	
		6,102,953		Huebner	8/15/2000	
		6,123,708		Kilpela et al.	9/26/2000	
		6,168,628	B1	Huebner	1/2/2001	
		6,193,758	B1	Huebner	2/27/2001	
		6,221,074	B1	Cole et al.	4/24/2001	
		6,267,785	B1	Masin	6/31/2001	
		6,270,499	B1	Leu et al.	8/7/2001	
		6,277,123	B1	Maroney et al.	8/21/2001	
		6,296,645	B1	Hover et al.	10/2/2001	
		6,319,253	B1	Ackeret et al.	11/20/2001	
		6,379,391	B1	Masini	4/30/2002	
		6,461,360	B1	Adam	10/8/2002	
		6,494,913	B1	Huebner	12/17/2002	
		6,558,425	B2	Rockwood, Jr.	5/6/2003	
		US2001/0001821	A1	Manderson	5/24/01	
		US2002/01303488	A1	Lower et al.	8/1/02	
		US2002/0151897	A1	Zirkle, JR.	10/17/02	

		US2002/0151898	A1	Sohnngen et al.	10/17/02	
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### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		WO	97/39693		Nuvana Medical Innovations, L.L.C.	10/30/1997		
		WO	00/61018		DePuy Orthopaedics	10/19/2000		
		WO	00/76414	A1	Orthodyne, Inc.	12/20/2000		
		WO	03/030770	A2	Incumed, Inc.	4/17/2003		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 2 of 2	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>First Named Inventor</b>	Austin W. Mutchler
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	DEP-5031

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		ACE MEDICAL COMPANY-Dynamic Tibial Nailing Surgical Technique, 1996	
		ACE MEDICAL COMPANY-AIM Titanium Tibial Nail System Surgical Technique, 1996.	
		ACE MEDICAL COMPANY-AIM Titanium Tibial Nail System, 1996.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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